

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

## LUFKIN DIVISION

CHRISTOPHER GUILLEN

§

VS.

§

CIVIL ACTION NO. 9:23cv17

DAVID R. BASSE, ET AL.

§

## MEMORANDUM OPINION REGARDING VENUE

Plaintiff Christopher Guillen, an inmate at the Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against David R. Basse, Gerald Buluti, Lannette Linthincum, Tedd L. Mitchell, Ben G. Raimer, and Owens J. Murray.<sup>1</sup>

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

## Discussion

Plaintiff complains of his medical care, as well as the doctors' credentials, at a prison facility located in Fort Stockton, Texas.

## Analysis

Plaintiff does not assert jurisdiction is based on diversity of citizenship. When jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. Plaintiff is currently

<sup>1</sup> Plaintiff's claims against the defendants in this action were filed as part of an amended complaint in another pending lawsuit and were severed in order to form this case. *See Guillen v. Davis*, 9:19cv187 (E.D. Tex.).

confined at the Lewis Unit located in Woodville, Texas. However, his claims arose at a prison facility located in Fort Stockton, Texas. Fort Stockton is located in Pecos County, Texas. When public officials are parties to an action in their official capacities, they reside, for venue purposes, in the county where they perform their official duties, which in this case is Pecos County. *Holloway v. Gunnell*, 685 F.2d 150 (5th Cir. 1982); *Lowrey v. Estelle*, 433 F.2d 265 (5th Cir. 1976). In accordance with 28 U.S.C. § 124, Pecos County, Texas is located within the jurisdictional boundaries of the United States District Court for the Western District of Texas, Pecos Division.

As Fort Stockton, Texas is located within the jurisdictional boundaries of the United States District Court for the Western District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). This case should be transferred to the United States District Court for the Western District of Texas, Pecos Division. An appropriate order so providing will be entered by the undersigned.

**SIGNED this the 26th day of January, 2023.**

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L Stetson  
UNITED STATES MAGISTRATE JUDGE